

CITY OF FULTONDALE

POST OFFICE BOX 699
FULTONDALE, ALABAMA 35068
PHONE: (205) 841-4481
FAX: (205) 841-2124

MAYOR:
JIM LOWERY

MAYOR PRO-TEM:
GREG MORRIS

CITY CLERK:
JANE HICKS

COUNCIL:
WILLIAM HOWELL
DARRELL HUBBERT
JOSEPH BOLTON
TOMMY LODEN

ENTERED
Office of Proceedings

SEP 21 2009

Part of
Public Record



September 8, 2009

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, DC 20423

225752

Re: STB Docket No. AB-55 (Sub-No. 613x)

FILED FEE WAIVED

Dear Mr. Williams:

On September 17, 2007, the City of Fultondale, Alabama filed a request to replace Jefferson County, Alabama as the interim trail use proponent for the notice of interim trail use (NITU) for the subject line under the National Trails System Act, 16 U.S.C. 1274(d) (Trails Act), in order to negotiate with CSXT for acquisition of the rights-of-way for use as a trail. In its decision of September 28, 2007, the Surface Transportation Board (STB) agreed to issue the replacement NITU and provided a 180 day period for the City and CSXT to negotiate an agreement. The prescribed deadline for reaching agreement was March 30, 2008. A second 180 day extension was granted by STB at the City's request on April 2, 2008 extending the negotiation period to September 26, 2008. A third 180 day extension was granted by STB at the City's request on October 1, 2008 extending the negotiation period to March 25, 2009. A fourth 180-day extension was granted April 3, 2009 continuing the negotiation period to September 21, 2009.

The City and CSXT are still negotiating a Memorandum of Agreement and Purchase Agreement. CSXT has provided the City with a Purchase Sale Agreement and the City has responded on March 17, 2009 with their counter offer.

Both parties are continuing to work diligently and significant progress has been made with the negotiations but we do not anticipate being able to complete our negotiations by the date specified. Therefore, we are writing to request a 180 day extension of the September 21, 2009 deadline.

"A FRIENDLY CITY"

By copy of this letter, I am requesting CSXT to notify you of CSXT's agreement with the requested extension.

Respectfully submitted,



Jim Lowery, Mayor
City of Fultondale

cc: CSX Transportation
Asset Management
Attn: Stephanie Lemmon
500 Water Street - J200
Jacksonville, FL 32202

CSX Transportation
Attn: Bruce McMahon
301 W Bay Street, J-180, Suite 900
Jacksonville, FL 32202